

**SUBJECT: American Civil Liberties Union**

# FEATURE PRESS SERVICE

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## SUPREME COURT REVERSES RUMELY CONTEMPT OF CONGRESS CITATION

In a 7-0 decision, the Supreme Court has held that Edward A. Rumely was improperly convicted of contempt of Congress because he refused to provide a committee investigating lobbying activities with the names and addresses of persons who had bought literature from him. Rumely was an official of the Committee for Constitutional Government, and the literature was distributed by that organization. Contributions of \$500 or over to an organization engaged in lobbying activities must be reported; Rumely did not accept such contributions, insisting instead that persons who wanted to donate larger amounts must buy literature for distribution as the buyer saw fit.

In an opinion written by Justice Frankfurter, the Court ruled that a delicate constitutional issue would arise if it were held that the authority of the investigating committee extended into an inquiry as to private persons to whom Rumely sold books. Therefore, it construed the authorization of the investigation to mean investigation only into representations made directly to the Congress, its members or its committees. Thus, the inquiry directed to Rumely was in excess of the committee's authority and the contempt citation must fall. Justices Burton and Minton took no part in the consideration or decision of the case.

Justice Douglas wrote a concurring opinion, joined in by Justice Black. They contended that the inquiry made of Rumely was indeed authorized by law, but that it was a violation of the First Amendment protecting freedom of speech to require that a publisher disclose the identity of those who buy his books. This requirement, they said, "is indeed the beginning of surveillance of the press...the purchase of a book or pamphlet today may result in a subpoena tomorrow...through the harrassment of hearings...government will hold a club over speech and over the press."

The ACLU had considered the Rumely case at the same time as the case of William Patterson, head of the Communist-dominated Civil Rights Congress. Patterson had been cited for contempt of Congress on the same day as Rumely for refusing to disclose membership records of his organization. The ACLU did not intervene in these cases, believing in the Rumely case that the Committee's inquiry, in an attempt to determine whether the lobbying laws had been circumvented, did not violate civil liberties, and in the Patterson case that prior court decisions upheld the Committee's right to make the inquiry.

## NEW YORK ACLU SUPPORTS BILL FOR EDUCATIONAL TV

The New York Civil Liberties Union announced last week its support of a bill authorizing construction of three pilot stations for non-commercial educational television operation.

"We believe that the principles underlying our constitutional provisions regarding freedom of speech will be enhanced by taking advantage of at least some of the channels allocated by the Federal Communications Commission in the state of New York for non-commercial educational television purposes", the civil liberties group said in a letter sent to Albany by the Rev. John Paul Jones, chairman, and George E. Rundquist, executive director, of the NYCLU. It was addressed to Senator Walter J. Mahoney, chairman of the State Senate Finance Committee, and Assemblyman William H. MacKenzie, chairman of the Ways and Means Committee. These groups are considering the Brydges-Olliffe bill which would provide for the pilot stations.

The NYCLU has joined with 23 other groups comprising the Metropolitan New York Coordinating Council for Educational TV in urging support of the measure. Both the New York Civil Liberties Union alone and the Coordinating Council, of which it is a member, condemned the majority report of a New York state commission appointed to consider educational TV. The report opposed state sponsorship of such a project. The groups registered their support of the minority report.

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At the same time the report made allowance for the element of non-conformity involved in furthering these objectives. It said:

"Those foundations granting fellowships are seeking intellectuality of the highest order. It has been said in these hearings that there is no necessary correlation between political sagacity and scientific eminence, and it has also been said that there is a correlation between academine and political naivete. Irrespective of whether these generalizations can be taken literally, it may safely be said that many individuals of unusual talent, particularly artists, poets, novelists, playwrights, and musicians, are often non-conformists".

The report also took cognizance of the timing involved in various instances of Communist infiltration. Grants, it pointed out, were made prior to the time that the recipients of assistance from foundations were "exposed" by government investigating groups. The committee was impressed by the fact that "most of these malodorous individuals were selected under political conditions far different from those that now exist and that decisions were taken in a political and emotional climate far different from the present."

Observers think that this is the first time that a Congressional committee has recognized the bill of attainder point of view.

The committee found the work of the foundations so important and excellent on the whole that it ended its report by suggesting a further liberalization of the tax laws in favor of the private foundations. It also suggested, however, that these organizations also be required to file detailed reports on their activities and finances.

#### ACLU TESTIMONY HITS BRICKER RESOLUTION

ACLU has formally registered its opposition to the Bricker Resolution, which is aimed at limiting the federal treaty-making power. The Union's position was presented to a subcommittee of the Senate Judiciary Committee by Irving Ferman, ACLU's Washington director, who said that the proposed resolution on one hand is unnecessary and on the other would hamper this country's struggle against Communism.

The Bricker Resolution, sponsored by Sen. John W. Bricker and 63 other Senators would amend the Constitution to prohibit the signing of a treaty that would abridge any constitutional right and that would require congressional legislation before a treaty could become effective insofar as its domestic effect is concerned.

The resolution, said Ferman, "rests on the fear that treaty-law, becoming recognizably more complex and enveloping in its scope, can nullify internal law both state and federal."

Ferman replied to this criticism by pointing out that the Constitution already expressly forbids any treaty with "denies or abridges any right" granted in the Constitution. He also stated that the cause of the Bricker's groups concern, the United Nations Declaration on Human Rights, restricts the application of the document where it runs counter to the policies of the signatory powers.

Under the Bricker amendment a treaty to "become effective as internal law" would have to be given the sanction of "appropriate legislation by the Congress". Ferman contended that this would contravene the wording of the Constitution, which demands ratification by Congress. Furthermore, he said, this amendment "would make unworkable any attempt on our part to extend the spirit of our Bill of Rights internationally in the fight against Communist totalitarianism". He said the amendment might foreclose the possibility of an international covenant attempting to bring freedom to the people behind the Iron Curtain.

#### ACLU WINS PHILADELPHIA HUMAN RIGHTS AWARD

ACLU was the recipient this week of an award presented by the Philadelphia Fellowship Commission to organizations that "are making consistent efforts to safeguard and advance the rights of all human beings". The citation was received at a dinner in the Benjamin Franklin Hotel in Philadelphia by ACLU's executive director, Patrick Murphy Malin.

Principal speaker at the dinner was Paul G. Hoffman, chairman of the Board of the Studebaker Corp. and formerly head of the Ford Foundation. Other recipients of the Commission's annual awards, ten in all, included the American Jewish Congress, Catholic Interracial Council, National Assn. for the Advancement of Colored People, and National Urban League. The award citation read: "By unanimous vote, the Executive Committee of the Fellowship Commission voted to cite ACLU for its many years of courageous action to eliminate discrimination and segregation and to promote racial, religious, and nationality understanding throughout the United States."